

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

JEDIDIAH D. DEMPSEY,

Plaintiff,

V.

UNITED STATES OF AMERICA, et al.,

Defendants.

Case No. 1:23-cv-01545-NODJ-SAB

**ORDER REQUIRING PLAINTIFF TO FILE
NOTICE OF STATUS OF SERVICE OF
DEFENDANT UNITED STATES OF
AMERICA OR A REQUEST FOR ENTRY
OF DEFAULT**

**ORDER VACATING SCHEDULING
CONFERENCE SET FOR JANUARY 25,
2024**

7 DAY DEADLINE

On October 31, 2023, Plaintiff filed the complaint in this action against Kaylea G. Santos.

19 (ECF No. 1.) The initial scheduling conference is set for January 25, 2024, before the previously
20 assigned magistrate judge.¹ On December 22, 2023, the United States of America filed a notice
21 of substitution pursuant to 28 U.S.C. § 2679(d)(1). (ECF No. 7.) The Notice included a
22 certification of course and scope of federal employment dated December 15, 2023, wherein the
23 United States Attorney’s Office certified it had read the complaint in the instant action. (*Id.* at
24 4.) As of this date, Plaintiff has not filed a proof of service of the summons and complaint. (See
25 ECF No. 3-1 at 1.)

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²⁸ ¹ On December 26, 2023, the case was reassigned to the undersigned. (ECF No. 8.)

1 Accordingly, IT IS HEREBY ORDERED that:

- 2 1. Plaintiff shall file a notice of the status of service of Defendant United States of
3 America or, alternatively, request entry of default **within seven (7) days** of the
4 date of entry of this order. Plaintiff is advised that failure to comply with this
5 order may result in the issuance of sanction, up to and including dismissal of this
6 action; and
- 7 2. The scheduling conference set for January 25, 2024 at 9:45 a.m. in Courtroom 7
8 before Magistrate Judge Sheila K. Oberto is **VACATED**.

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10 IT IS SO ORDERED.

11 Dated: January 9, 2024



UNITED STATES MAGISTRATE JUDGE

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